

Notice of Allowability

Application No.

10/686,196

Examiner

Ghassem Alie

Applicant(s)

SHTEYNGARTS, GREGORY A.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/07/06.
2. ☒ The allowed claim(s) is/are 27, 28, 30, and 31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 09/18/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a communication with Mr. John R. Hlavka (Reg. No. 29,076) on 09/18/06.

The application has been amended as follows:

In the claims:

Claim 27

Line 10, "for cutting a hangar hole" has been changed to --for cutting a hanger hole--.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: The claims are allowable because the prior art fails to teach that at least one cutting blade for cutting a hanger hole in the plastic sheet and the knife element has at least one ejector fixed to an internal surface, as set forth in claim 27.

Regarding claim 27, Keyser et al. (4,844,852), hereinafter Keyser, teaches a trim press that travels between a load position in which a cutting edge is spaced from a striker plate and a cutting position in which the cutting edge confronts the striker plate. Keyser also teaches a die for cutting a thermoformed plastic article from a sheet of thermoformable plastic. Keyser also teaches that the die includes a knife element that has a cutting edge for serving the thermoformable plastic sheet when the knife element confronts

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the striker plate. Keyser also teaches a pilot that is a post and has a generally conical protrusion that engages a conical recess on the plastic sheet and the opposite pin to guide the knife element into the predetermined cutting position.

Keyser does not teach that the trim press including a die building up plate that is mounted to the first platen, a band heater adhere to the knife element for heating the knife element, a feed back sensing unit positioned between and in direct contact with the knife element, a pair of power leads connected to the band heater for controlling the amount of the heat dissipate from the heating band, and the die board has a plurality of oversized mounting holes.

Keyser in view of Nicholson (3,596,317), Scalora (3,240,851), Smith et al. (5,451,288), and Carll (2,313,801) teaches that the trim press including a die building up plate that is mounted to the first platen, a band heater adhere to the knife element for heating the knife element, a feed back sensing unit positioned between and in direct contact with the knife element, a pair of power leads connected to the band heater for controlling the amount of the heat dissipate from the heating band, and the die board has a plurality of oversized mounting holes.

However, Keyser in view of Nicholson, Scalora, Smith et al., and Carll fails to teach that at least one cutting blade for cutting a hanger hole in the plastic sheet and the knife element has at least one ejector fixed to an internal surface, as set forth in claim 27.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claims 1, 10, and 12.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER

GA/ga

September 18, 2006